The Chartered Surveyors' Institution

(*Incorporated by Royal Charter*)

12, GREAT GEORGE STREET, WESTMINSTER, S.W.1.

PATRON:

HIS MAJESTY KING GEORGE VI.

TRANSACTIONS

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SESSION 1944-45.

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VOL. LXXVII. PART I.

Transactions

of

The Chartered Surveyors' Institution

SESSION 1944–45.

AT THE ORDINARY GENERAL MEETING

Held at the Chartered Surveyors' Institution on Tuesday, 18th July, 1944.

Mr. JAMES BARR (*President*) in the Chair.

NEW MEMBERS.

The following new members were received by the President prior to the meeting and signed the Register :—

Fellows :

HOLDEN, LEONARD CLARENCE, L.R.I.B.A.

PENDERED, CAPTAIN THOMAS DENT ELLIOT, M.C., B.A.

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DRAPER, SIDNEY EARL

STABLES, PETER AUBREY

AN ADDRESS was given by SIR WILLIAM JOWITT, K.C., M.P., Minister without Portfolio, on "The Governments' White Paper on the Control of Land Use."

"THE GOVERNMENT'S WHITE PAPER ON THE CONTROL OF LAND USE."

THE PRESIDENT extended a warm welcome to Sir William Jowitt, saying how greatly his presence, as a Minister of His Majesty's Government, and one whose time was so fully occupied, was appreciated by members of the Institution.

SIR WILLIAM then delivered his Address as follows :—

Some months ago your Committee approached me, through my old friend Mr. Vivian Rogers, to address a general meeting of your Institution on the Use of Land. I very much appreciated the invitation, and expressed my happiness to accept it ; but I asked that the engagement might be deferred until the publication of the Government's White Paper on the subject. The Government published recently not only their promised White Paper but also a Bill. I thus became due to keep my promise, and I am very happy this afternoon to be present in fulfilment of it.

The conditions in which we meet are not quite so simple as I foresaw them when the promise was made. We have as I have said, presented our proposals in two parts. We have put forward to Parliament a Bill designed to meet the most urgent needs of the case. In this Bill we have embodied our proposals for enabling local planning authorities to deal with areas suffering from extensive war damage and, if a little less urgently, with areas suffering from bad lay-out and obsolete development. We have also dealt in the Bill with certain other aspects of land planning which, in our view, require early treatment. In the White Paper we have set out, stating expressly that we did so for public debate, our longer-range proposals for the planning of the land. As you are well aware, my colleague, Mr. Morrison, the Minister of Town and Country Planning, explained to the House of Commons last week, on the Second Reading of the Bill, that he proposed, in the light of the debate, to enter into discussions with representatives of the local authorities ; and he indicated that the Bill would be reconsidered after the recess, in the light of those discussions, and of such other representations as its publication might have enlisted. Both Bill and White Paper, therefore, are, in different degrees of urgency, at present, as it were, *sub judice*, and I do not propose, in the course of this address, to enter into controversy with regard to the one or the other. For the sake, however, of removing misconceptions and putting their purposes into the right proportion, there are certain observations which I think it might be useful to make about them.

There is an old proverb " Let sleeping dogs lie " and that proverb is one which should be ever present to the mind of a Coalition Government : and, if ever there was a dog which was likely on being aroused to indulge in a good deal of barking and perhaps some biting, that dog was called the Land Problem.

I remember more than 30 years ago attending a great Liberal demonstration at the Albert Hall, when the rafters rang to what I must confess was a rather dismal tune set to the words " God gave the Land to the people."

I remember more than 20 years ago a debate in the House of Commons in which Professor Oman, whose historical interests were aroused by this proposition, asked naively to which people God gave the land—the Iceni,

the Romans or the early Britons—and whether when it was given it was fenced, drained or otherwise developed.

I am old enough to have been interested in the Lloyd George land controversy, and I must confess that I took a somewhat prominent part in the Snowden Land taxes debate. All these plans exploded like a flying bomb, leaving behind them nothing but a certain amount of exacerbation and a few political casualties.

We were, I can assure you, fully conscious of the fact that this problem, if we attempted to tackle it, was much more likely to bring in a harvest of kicks than of halfpence.

The Government is composed of men of widely differing views bound together by the iron necessity of destroying Hitler and all he stands for.

The bombing of our great cities and the consequent replanning and rebuilding was a problem which Hitler had set us to solve.

Were we, notwithstanding all the warning from the past, to make no attempt towards solving the present problem ? Were we to miss once more the chance which our forefathers missed in London when Wren's plans were rejected after the Great Fire.

Was it conceivable that we should allow the dog to sleep, though he was lying across the very portals of our living room obstructing our entrance ?

The answer was obvious, we must try—and we had this to encourage us, that a conscious planning of our towns has now become, at least to some extent, accepted by all parties.

There had been since the Act of 1909 was passed some control—over a limited class of land—and negative in character—over the right of a land-owner to develop his land as he liked. It had become no longer sufficient that he should merely comply with existing bye-laws and public health and building Acts.

That the provisions of that Act were wholly inadequate is obvious to anyone who considers what was done after the last war : and accordingly the Act was amended by a series of Acts passed in 1925, 1929 and 1932.

But planning under the Act of 1932 remained local, not national, permissive, not compulsory, negative, not positive.

It was under the present government that a Ministry of Town and Country Planning was first set up with wider positive powers, that planning was made compulsory and that a national outlook was secured.

I think it is instructive to pause for a moment and to consider why it was that planning—even in those areas where it had been undertaken actively by the local authority, and there were very many areas where it had not been undertaken at all—was the comparative failure that it proved to be.

First, I would say the absence of any conscious national direction.

Second, I would say the risk of having to pay large compensation without any corresponding chance of securing betterment.

To the first of these problems the Barlow Commission (which, as you will remember, reported just after this war had started) addressed itself.

Their primary concern was the location of industry—a matter which of course concerns many departments of State and under our present proposal is to be under the general supervision of the Board of Trade, though it will in no sense be treated as outside the scope of the Ministry of Town and Country Planning, which must take account of the location of industry, no

less than of agricultural requirements, transport, housing, open spaces and all other aspects of national policy that affect the use of land.

The Barlow Commission called attention to the necessity of loosening out our congested urban areas and to the need for a better spreading of our population.

Recently the strategical considerations to which they called attention have been present to our minds.

If, (which Heaven forbid) we were to have another war in 50 years' time, and flying bombs and rockets improve (it's an odd word to use) as the aeroplane has improved, the necessity on strategic grounds of a better spreading of our population may become self-evident. The disadvantage of a target so large that it cannot be missed, even from a great distance, is clear.

But, I confess I think for my own part, that there is a danger in over-stressing the national aspect of planning, vital though it undoubtedly is. I am a great believer in our system of local government. It is by no means perfect ; indeed it is capable of great improvement : but I should be sorry to see local interest and local initiative disregarded and lost. Of course, if it be granted that Whitehall is the repository of supreme wisdom and the arch enemy of delay, we could disregard all local attempts at planning.

The advantages would be clear : no longer would any particular authority strive to keep within its boundaries some profitable undertaking—such as a great market—which yields substantial contribution to the rates.

Whitehall wisdom would overrule all such considerations and the market would be placed where it would best serve the community as a whole.

This would be a very real advantage ; but it is, to my mind, an advantage purchased too dearly at the price of local knowledge, local desires and local patriotism.

Besides, there may be some who do not accept the wisdom of Whitehall as supreme or its actions as unduly prompt !

Moreover, any plans we make must be flexible and adaptable. If we are to hold our own in the world in the years of swiftly changing opportunity which clearly lie ahead of us, we must be ready to change our dispositions and our equipment as " old needs " pass and new needs arise.

In this sense planning never ends.

It is for these reasons that we are not prepared to recommend that a single master plan should be imposed from Whitehall for the country as a whole.

Rather do we desire to achieve our ends by a system of collaboration—local planning with central direction and control—and our proposals must, I submit, be judged from this standpoint ; do they or do they not make such a planning possible and likely to prove effective ?

Our new proposals therefore confirm and strengthen the powers of local planning authorities but also give the Minister a wide power of control and direction over their activities. The outline of a national plan must be gradually and continuously filled in by a process of making local and regional plans that will in each case satisfy national as well as local and regional requirements.

I turn now to the other reason which made planning ineffective—the likelihood of the planning authority being involved in paying compensation and the extreme unlikelihood of their getting any betterment.

Suppose—if I may take an illustration—it were decided—and I confess I wish it were so decided—that the land around St. Paul's should be for ever an open space.

Very large compensation—whether it would or would not run into millions of pounds I do not know and I do not care—would obviously be payable to the existing owners by the City Corporation, who are the local planning authority.

The displaced owners would have to seek some other site : and the owner of that other site would very likely reap the benefit.

But it is possible—and indeed perhaps probable—that that other site might not be within the territory of the City Corporation, and even if it were the difficulty of showing cause and effect is such that under the existing law there would be little or no chance of securing betterment—the lawyers, that most deserving profession, would come off best if any such attempt were made, and the chartered surveyors might get some crumbs from the lawyers' table.

It was this problem that was referred to the Uthwatt Committee, and I cannot think of any Committee better qualified to undertake the task.

Their analysis of the problem, their description of those mysteries of floating value, shifting value and generally of compensation and betterment, is one of the most masterly surveys I have read.

The solution which they suggest to overcome the difficulty is of course much more debatable.

It involves completely different treatment between land within and without town areas : to some extent this may be inevitable—but it would seem that, so far as possible, this differentiation should be avoided—at least in this sense, that it should not make any financial difference to an owner whether his land is placed this side or the other side of the line of demarcation.

For land within town areas they propose a betterment levy on any future increase in land values.

This part of the plan would, of course, involve great political controversy : but it was also roundly condemned in a considered statement sent to me by the Council of the Chartered Surveyors' Institution on a series of grounds, some of which, I confess, seem to me more formidable than others.

In regard to the other part of the scheme—the transfer of development rights to a central authority—your Council were of opinion that this might facilitate town and country planning on broad lines, and might enable the control of future development to be seen as a national problem. This scheme might, they thought, therefore prove to be in the national interest.

But they made their assent conditional upon the following (amongst other) stipulations :—

(1) There must be power to revise the global valuation in the event of a misjudged estimate.

(2) There must be an equitable apportionment of the global sum—as, for instance, in the difficult case of dead ripe land.

(3) There must be a right of appeal to any owner aggrieved at his apportionment.

I confess that these qualifications brought home to my mind the extreme difficulty there would be in fixing any global valuation. Moreover, if the matter is approached from the standpoint of securing to every individual fair treatment there would be a danger that the global sum would become

merely the total of individual valuations, and that in so far as it fell short of that total it would be claimed that it should be revised upwards, and this in its turn might once more bring in that element of floating value we all want to avoid.

We have therefore, after very great consideration, tried to hit the target by a different means and by the target I mean the control of the use of development rights by a central authority.

If every landowner—whether in town or country—is told " In future you may no longer avail yourself of your development rights without consent, and that consent will only be given on payment of an appropriate fee " you have to all intents and purposes transferred the use of development rights from the individual to the planning authority : an authority, that is to say, consisting of two parts—a local body, and a central body whose consent to the local body's plans is necessary.

But there are, of course, many development rights which were in existence before the war. It would be quite wrong for the Government to contemplate depriving, by retrospective legislation, the owner of these rights—or, to be more precise, of 80 per cent. of the value of these rights—without paying him proper compensation. And by proper compensation I mean a compensation which takes account of the actual value of his site without allowing for any inflation caused by floating value.

In those cases, therefore, we must pay compensation.

In so far, however, as development rights accrue only after the war, they might be a result of the war, but whether they were the result of the war or not, Parliament is fully entitled to prescribe that they shall not enrich the pocket of any individual.

For instance, if for war purposes, a factory has been set up and a township built round it during the war, it may well be that land in that neighbourhood which before the war had no development value has now become possessed of development value. It does not seem to us either necessary or equitable to compensate owners in this class of case. They will be allowed to retain 20 per cent. of that development value which has been brought about not through efforts of their own but entirely through the public emergency.

Now I do not conceal it from you that the task of working out these proposals is a very formidable one, but equally I claim that if that task can be accomplished we shall have gone a long way to solve the planning problem. For we shall have set up a Land Commission which will, on the one hand, pay compensation and, on the other hand, will collect betterment. As it will be a Central Land Commission it will no longer matter that the compensation is payable within the area of one local authority and that the betterment arises within the area of some other and different local authority.

Moreover, local authorities will be able to plan without the constant dread of the liability to pay compensation cramping and hindering their plans. The main difficulties in working out this scheme obviously concern those unbuilt on areas in the neighbourhood of towns.

As a general rule, and speaking by and large, rural land, or much rural land, does not possess much development value. This land, which we designate in our plan as " green " land, will not therefore be made the subject of valuation save in those cases where an owner claims that the land did, in fact, possess development value in March, 1939.

If he can make good that claim a valuation will be made.

Nor do I think that built on land will cause unduly serious difficulty. Under the existing law a change of use of property shall not be deemed to have occurred if the character of the new use is similar to that of the previous use. If, therefore, to-day a small and unpretentious shop is rebuilt on the same area and developed into a several-storied departmental store there would be, as the law stands to-day, no change of use. Under our scheme, however, we contemplate that a change of use shall be deemed to occur if there is an alteration in the nature or scale of the use, and a change of use demands consent and consent involves, or may involve, payment of betterment.

Still, those are exceptional cases and not the rule. In the case of built-on land we shall need to make valuations of the redevelopment value as at the 31st March, 1939, only if the owner claims that his land did, in fact, possess such value at that date.

It is with regard to the other land, the unbuilt-on land around the town, called in our plan " white " land, that the main difficulty will arise. With regard to this land valuations must be made of the development value existing in 1939, and the valuers will in each case be asked to give such information as they can as to the period within which development was likely to take place.

We do not, however, contemplate that any compensation will be paid during the next five years. Before the end of these five years we shall appoint a Committee of experts to advise us as to the true basis upon which we should fix the compensation.

They will have the valuations prepared by the valuers and they will have such information as the valuers have been able to give as to the probable period of development. They will know what development has taken place during the last five years and they will be able to judge what is likely to take place in the immediate future. They will be asked to classify individual valuations in their appropriate categories so that the " dead ripe " land, for instance, may receive better treatment than the land with a merely prospective chance of development. Thus, the owner of dead ripe land might, after the end of the five-year period, receive in compensation 100 per cent. of the valuation of the development rights of his land in 1939, and another owner might receive a much smaller percentage.

That, in brief, is the general scheme of the White Paper.

I do not assert confidently that it will work. I feel that in this matter we are sailing uncharted seas, and I do not doubt that from time to time we may have to change direction, or perhaps even let down an anchor. But—it is better to proceed on the principle of trial and error than never to proceed at all.

The dangers and the difficulties are manifest.

Shall we succeed in getting in betterment—that hare which has been so long chased and never yet caught ?

Shall we get it in sufficient amounts to enable us to pay compensation : or shall we once more have to cut down our compensation—and therefore our planning—to a small and even negligible scale because we can't see enough coming in to the kitty ?

I use the phrase " coming in " : by that I do not of course mean that we contemplate that within the next few years the sum collected in betterment will equal the sum paid in compensation.

But if we succeed in collecting betterment—and if we see it coming in at first as a trickle but later as a steady stream—we may reasonably hope that sooner or later the betterment payments can finance compensation and finance it on a sufficiently generous basis to allow effective planning to take place. I must candidly admit that there is no necessary equivalence between the one and the other; and in particular you should note that, whereas the betterment income will go on indefinitely, so long as beneficial changes in the use of land take place, compensation will cease altogether once the loss of development and redevelopment values existing in 1939 has been made good.

The Uthwatt Committee recommended further a general prohibition against development without consent of all undeveloped land outside town areas. This we accept in regard to all land.

They recommended immediate payment of compensation for loss of development values. We accept this obligation to compensate in respect of rural land, that is to say, the green land, within five years.

But in regard to the white land (undeveloped land outside towns) and in regard to the redevelopment value of built-up areas, we do not propose to pay compensation as a rule unless and until a genuine request to develop is made and refused.

Of course in those cases where the action of the planning authority makes it plain in advance that a refusal is inevitable—e.g. where land has been scheduled as an open space—the request and refusal may be taken for granted.

Lastly, the Uthwatt Committee recommended that if and when approval for development was given, the State should buy the land—that is buy the land at its agricultural value, for they would already, under the Uthwatt scheme, have paid compensation for the development rights—and lease it to the person undertaking the development.

This recommendation we have not accepted. The idea that the State through some central body should become a landowner on a large scale, whilst politically attractive to some of us, is very far from being attractive to others.

The origin and parentage of the scheme proposed by the Government makes it inevitable that it should be in the nature of a compromise between conflicting views.

I think it inevitable that this recommendation and its rejection will be the subject of much criticism.

For that reason I wish to say very little about it: but it undoubtedly has repercussions.

Let me give you an illustration.

An owner of land—it may be green land—worth £200 an acre for development but worth only £50 an acre for agricultural purposes, receives compensation from the State of £150 an acre in respect of the loss of his development rights.

A private person wishes thereafter to acquire the land for an approved development. Will the owner be willing to accept the £50—or will he try to exact the £200 or something in excess of the agricultural value—regardless of the fact that he has already been paid £150 compensation?

The application of compulsory purchase at the appropriate figure may therefore be necessary, and we contemplate this as a part of our proposals: but compulsory purchase is apt to be a costly proceeding and, I think, invidious as between two private citizens.

The private developer may therefore think it preferable to pay the landowner that which he demands : and if he does the landowner will " get away with it twice over."

On the other hand, it is, I suppose, true to say that in a voluntary bargain the owner exacts and is entitled to exact the highest price he can get the purchaser to pay.

The fact that the purchaser has to pay a fee for development to the State will, therefore, reduce the price which—but for such obligation—he would have been willing to pay to the owner.

I mention the point because it obviously needs to be clarified by thought and discussion : and our object in presenting the White Paper on this difficult subject is to invite and encourage informed criticism.

Such then, in broadest and briefest outline, is a sketch of the proposals His Majesty's Government has put forward in the White Paper : but I must now make some reference to the problem of our cities and in particular to the bombed and blitzed areas.

I would have you remember that public ownership is not a necessary or integral part of planning. It might be possible to have good planning without a single acre of the land in this country being publicly owned.

Although this is possible, yet in a built-up area where you find an immense jumble of different ownerships, it is exceedingly difficult to secure the requisite degree of co-operation between the various owners.

For my own part—and I am in this speaking for myself alone—I believe it will be found in practice that unified ownership is an immense assistance to good planning in our towns.

I believe I am right in saying that Eastbourne very largely belongs to the Devonshire family and it is the case that Eastbourne is one of our best planned towns.

Hudderfield substantially belongs to the Corporation of Huddersfield, and by reason of this fact they have a great advantage in their planning schemes.

I would like to see public ownership because I see in it the only practical way of securing unified ownership.

Others of course take a very different view and regard any extension of public ownership as a most regrettable necessity and in general not calculated to promote the public weal.

Quot homines, tot sententiæ, and where land is concerned we often find *tot* + 1, 2 or even 3 *sententiæ.*

Accordingly in our Bill—which is in the nature of a compromise measure, as it must be—we propose to confer upon local authorities power to purchase blitzed areas, blighted areas, and other areas—neither blitzed nor blighted—which are necessary to secure balanced planning, together, of course, with replacement or, as they are commonly called, overspill areas.

And we propose further to confer on local authorities a wider power than they have hitherto had, namely a power to put up buildings of a type and description other than houses.

This power is only to be exercised subject to ministerial approval : and the discretion of the Minister is restricted by a proviso—which will give rise

to much discussion—that his consent is not to be given if any person, other than the local authority is able and willing to carry out the work.

I hope this power will be exercised to build such things as community centres. I have myself been greatly impressed by the splendid pioneer work done in some areas, as, for instance by the Slough Estates in this regard.

I do feel that we have not done enough for the young Briton in our towns : and some of the organisations which catered for him in the past have become completely outmoded.

I am sure we can look forward—both in this Parliament and very likely in succeeding parliaments—to spirited debates on many of the proposals contained in the present Bill.

Are we right in suggesting a 1939 standard in place of a 1939 ceiling and in place of a current price ? It is only, you will remember, in the case of occupiers of small houses or occupiers of agricultural land that we contemplate paying above the 1939 price.

Are the powers granted to local authorities adequate ?

Is the procedure sufficiently speedy ?

Is the Exchequer contribution adequate : or should it be increased in scope, by extending it to blighted as well as blitzed areas, by making it available to open spaces purchased as such, and by increasing its amount ?

These are sure to give rise to differences of opinion, and it would not be right or seemly that I should make this the occasion for embarking upon them.

It is satisfactory to know that Mr. Morrison—who has shown untiring patience in his difficult task—is to embark on discussions with the local authorities when they will have an opportunity of putting to him the difficulties they feel.

I will take merely one of these points—the 1939 standard—and indicate some of the points which seem to me to be relevant to bear in mind in the discussion.

In the first place, be it remembered that the Uthwatt Committee recommended a 1939 ceiling—not a 1939 standard : that is to say they recommended the current price or the price at March, 1939, whichever be the lower.

Their reason for this recommendation—stated in their interim report—was as follows—" No one should obtain at the expense of the public out of his landed property any financial gain by reason of war conditions or post-war reconstruction."

This was accepted by the Government—I quote from the speech made by Lord Reith in the House of Lords on 17th July, 1941—" subject to the qualification that the detailed application of the principle required consideration and that the principle must be open to review if circumstances arise which make its application inequitable."

Secondly, be it remembered that under the War Damage Act Parliament has accepted the principle that a value payment shall be based on the 1939 value.

All those people—and they are many—who have suffered and are suffering and will suffer the complete loss of their homes will receive this measure o compensation. If, when your house is knocked out by enemy action you receive the 1939 price, should you receive any other measure when it is acquired by the local authority ?

Thirdly, the value of money has fallen : and some will say it is inequitable to satisfy a 1939 measure by a 1945 (or whatever the year may be) pound.

Moreover, the cost of building has risen sharply and is likely, I suppose to settle at a figure substantially above the pre-war price.

I should suppose—but I do not claim to be an expert—that a rise in the cost of building tended to depress site values, though it would no doubt tend to increase the value of existing buildings.

Site values, I should have thought, would also tend to be depressed by a deferment in the expectation of development, and the destruction of vast areas of our cities would be likely to defer the time within which development would take place on areas not hitherto developed.

Finally, it would seem probable that the effect of the war on prices will vary in different areas. I can imagine for instance, that it may have affected Dover in one way and Hereford or Gloucester in another and different way.

Are these differences to be perpetuated ? Are you to be allowed to buy from the citizen of Dover at a current price, no matter how depressed it may be : whilst at Hereford you pay the increased current price, or, if you have the ceiling, the full 1939 price ?

And, finally, can a valuer in the circumstances of to-day really assert that the dealings in land are sufficient to enable him to assess a current price ?

I do not attempt to answer these questions : but I have put before you some of the considerations which have led the Government to come to the provisional conclusion—and the Minister has indicated that the conclusions are provisional in the sense that he invites helpful and well-informed criticism—that for five years, and for five years only, the 1939 price shall be the measure to be paid for public acquisition.

I have already trespassed on your time too long but I want to conclude by a reference to one other matter. I regret that the Bill is drafted in language which makes it very difficult for the ordinary reader to follow its provisions, and I include myself among the ordinary readers in this regard.

I am not, I need hardly say, passing the smallest criticism on the very experienced parliamentary draftsman who has given ungrudingly of his time and skill in this regard. Let him who is not confident that he could do better abstain from such criticism.

It is, of course, a difficult and obscure subject : and it may well be impossible to deal with such a subject in the simple language of a nursery rhyme.

Yet the English language—in which Shakespeare and Milton wrote—has shown itself in the hands of such men as Gibbon and Macaulay a splendid vehicle for the conveyance of thought.

I believe that the prolixity of language in our statutes of to-day in part derives from two considerations.

First the doctrine of the Courts that in certain classes of Acts—taxing Acts are the classic example—no elastic interpretation is permissible, the subject must be brought within the precise literal words of the Act.

Secondly—and following from the first—comes the ingenuity of people in devising all sorts of subtle schemes to get themselves outside the letter of the law, and in consequence it becomes necessary for the draftsman to close every possible loophole which human ingenuity can devise.

It is much easier to call attention to the evil—and anyone who reads the Bill will see that the evil exists—than to suggest a remedy : the important result of all this is that more and more the ordinary man is unable to understand what the law provides and we might as well be back in the old days when the Statutes were written in Norman French, which was not the language of the people.

I think that this matter calls for the consideration of lawyers and laymen alike.

Sir, it has been a great honour to me to address your Institution.

From you we have received, and I hope we shall continue to receive, informed and constructive criticism.

For in this very difficult task, to which Mr. Morrison and his colleagues have devoted concentrated and unremitting energy, we have to try to do something practical and something prompt so that we may make the best of our present opportunity to rebuild our cities in a fashion worthy of our people and generally to make the best possible use of our land.

Two revolutions, each in part beneficient but each also with a difficult aftermath, have brought these problems to a head in our time—the industrial revolution, and the revolution in transport which took place roughly between the two great wars. We have heavy arrears of obsolescence, some but not all of them due to the present war, to overtake. We have large areas of enemy devastation to repair.

We have also our special conditions to consider. We are a great country but a comparatively small one. Our 58,000 square miles could be swallowed up more than 130 times in the territories of the Soviet Union—England itself could be submerged in a single Russian lake—Lake Baikal. On our small island we have well over 40,000,000 people. They are less than one-third of the population of the United States, but they live at an average density of about 700 per square mile. Yet more than one-third of them are in six large city groups, and only 11 per cent. of our land is covered by buildings, railways and roads. Fortunately, therefore, we still have much good open space as well as some fine and wild country. We also have our unique coastline of some 2,750 miles.

At the same time we probably have more varied interests than any other nation—industry, agriculture, housing, transport, education, recreation—and most of these interests in Britain have overseas connections. Further, we have a unique heritage in the shape of ancient buildings and a countryside of exceptional variety and beauty. The problem is how to fit our 40 odd million people into our 58,000 square miles in such a way that our land shall be used for the best advantage of all of us.

There is a sketch of the problem which the three partners—Government, local authorities and public—have to tackle, and if we are to solve it wisely, the public cannot afford to be a sleeping partner.

Mr. G. A. Coombe, M.C. (Member of Council) in proposing the vote of thanks said that during the last two years many people had been urging the Government to take a good flying kick at the sleeping dog. The Government was responsible for the affairs of this country at a time which was probably the most difficult in all the country's long history, and personally he thought that at an earlier date that flying kick would have done much

harm. The dog would have snapped and snarled and distracted the attention of the Government and other people from their primary task of getting on with the war.

Whatever might be thought of the different items in the White Paper and the Town and Country Planning Bill, he thought it could be said that an honest endeavour had been made to flatten out some of the difficulties and to show what was in the Government's mind for after the war.

Sir William had concluded by saying that the public must not be a sleeping partner. There were apparently three partners, the Government, the local authorities and the public. Presumably the bulk of the members of the surveyors' profession came under the latter heading, although a number, of course, came under the heading of local authorities. He would recommend to the Government's attention the members of the surveyors' profession. They were men who spent their lives in dealing with land, and he thought he might say without conceit that by the sheer facts of their daily lives, they had more knowledge of the use of land than any other body of men in the country. They were unlikely to be found in those somewhat vocal schools of planning whose chief claim to fame was an ability to produce schemes for the spending of other people's money. The sheer facts of their professional lives would keep them out of that school.

In considering present-day problems, he found the greatest difficulty in being non-political. The surveyor in his daily life should use every endeavour not to be political, but he would say, and he thought the Government, judging from the White Paper and other things, appeared to have the same idea : " Please do not allow any political fears, any political expediency or any political shibboleths to stampede you into creating injustices which will go down for all time."

Surveyors had known for some time that something must be done to clear up the chaos in the planning world, but what did not seem to be realised, although Sir William had touched upon it, was that the big landlord, so beloved of cartoonists, would not be the man to be hit first. Planning would hit the small man first. It was his small business and his garage that created urban development, his small factory and his chicken farm that got into the way of planning firstly and primarily. Parliament should consider the way it was going to deal with that particular problem.

The emphasis in the White Paper on compensation and betterment was misplaced. He thought the true reason for the failure of planning (Sir William had given it as No. 1 in his reasons, and it was clearly set out in paragraph 4 of the Introduction to the White Paper) was that planning in the past had been too local. It had been too much in the hands of the local authorities, with but a fatherly supervision by the Ministry of Health, who had taken good care not to spend public money in the process. Moreover, on the question of planning, were local authorities yet adult ? To his mind, they were still adolescent, and he would prefer to see the question of planning a nation-wide matter, with Ministry and local authorities all joined together in the management of it, with one common purse and no individual means test.

While compensation and betterment were prominent, injurious affection seemed to be forgotten in all the White Papers and Bills, but it was still a major issue. The nigger in the woodpile, however, would be betterment. He would like to have heard precisely how the 80 per cent. betterment charge was to be levied. It was a charge which suffered from the disadvantage of all capital levies, in that the money had to be collected as hard cash out of the pocket of somebody who had to find it out of revenue.

He liked Sir William's description of the 80 per cent. as an " appropriate fee " ! He thought it was flying too high. For example, nearly all the development of land in undeveloped areas was in the hands of individuals or companies that, for revenue purposes under the Finance Act, were bodies trading in land ; and any profit from the land was income and taxed as such ; therefore the 20 per cent. left would probably be considerably reduced. In developed areas, a man did not demolish his old buildings until their income-earning capacity had fallen below the true earning capacity of the land, and if that earning capacity was put back by an 80 per cent. betterment levy the development of the particular property would most likely be halted.

What was the fascination of the 31st March, 1939, date ? He thought the blame lay at the door of the first Uthwatt Committee, on the Principles of Assessment of Damage, which sat in September, 1939, and of which the then President of the Institution was a member. That Committee advised the Government that the basis for compensation to be paid in the event of war damage should be the value as at 31st March, 1939, plus a coefficient. The coefficient had been forgotten ever since, but the date was still taken. Personally he thought the scheme unworkable with that basis, especially as the new Town Planning Bill referred to a date five years after the passing of the Bill, which might mean 1950 or later. The experienced valuers in 1939 would then presumably have been about 48 years of age, so that at the material time they would be about 60 and ready to retire, whilst the young men of 20 now in the Forces would come back with no knowledge at all of 1939 values. It seemed that the human element was being disregarded and it was being assumed that valuations were just a question of consulting a set of tables.

Sir William had referred to the jargon of modern Acts of Parliament. Not only did surveyors have to accept that jargon but the Bill in question had its own compensation clauses, Clauses 45, 46 and 47, and the various Schedules ; it also referred to the Land Clauses Act, 1845, and the Acquisition of Land Act, 1919, and at the moment the question of compensation was in complete muddle. Could not those clauses be omitted from the present Bill and compensation codified for all purposes, because compensation was not the prerogative of planning or housing or transport, but was a matter for all of them ? He hoped the Government would consider that suggestion.

The subject was a vast one, but his duty at the moment was to express the gratitude of the Institution to Sir William Jowitt for the extremely able, clear and definite way in which he had put forward the Government's panaceas, for the various ills existing, and he formally moved that a vote of thanks be accorded to Sir William for his address that afternoon.

Mr. A. G. HARFIELD (Vice-President), said that as Chairman of the Parliamentary Committee of the Institution, he had to adopt a rather more serious tone than Mr. Coombe, but he was just as sincere in seconding the vote of thanks to Sir William Jowitt for his most interesting address, and also for his detailed explanation of some of the problems which were bound to arise as a result of the White Paper proposals.

The White Paper had been presented to Parliament to focus public discussion of the difficult issues involved and to ensure a substantial measure of public support for a solution on the lines proposed.

As a profession, surveyors had been anxiously awaiting the Government's declaration of policy on the Barlow, Scott and Uthwatt Reports. The White Paper stated that the Government had already taken some remedial measures, and it was interesting to note how that had been done.

Early in 1943 a Ministry of Town and Country Planning had been established under a Minister charged by Parliament with the duty of " securing consistency and continuity in the framing and execution of a national policy with respect to the use and development of land throughout England and Wales," and later in the same year planning control had been extended to the whole of Great Britain and the powers of the Minister to prevent development prejudicial to good planning strengthened.

It would be generally agreed, he thought, that in the past the trouble with regard to town planning had been that only restrictions were imposed ; and it seemed to him that in future there would be control and direction, but no one with any real powers of initiative. He suggested that such powers were vitally necessary.

Last May the Government had published a White Paper on Employment Policy. Paragraph 26 of that Paper said :

" It will be an object of Government policy to secure a balanced industrial development in areas which have in the past been unduly dependent on industries specially vulnerable to unemployment. The Government will encourage the establishment of new enterprises in these ' development areas ' by the following means :—

(*a*) *Location of new factories.*—In order that the Government may be fully informed of the course of industrial development, industrialists contemplating the establishment of new factories, or the transfer of a factory from one area to another, will be required to notify the Government before their plans reach an advanced stage. This will enable the Government to exercise substantial influence over the location of new industrial development, as contemplated by the Barlow Report."

That was a very important statement of policy and one with which every surveyor must be vitally concerned.

In the debate on the 7th June last, on that White Paper, the President of the Board of Trade, Mr. Dalton, said : " The Government accept the main ideas of the Barlow Report, but we shall apply these ideas rather differently from the manner suggested in the Report." It seemed that the Government had adopted part of the Barlow Report, part of the Scott Report and apparently part of the Uthwatt Report, but still there was no one with real powers of initiative and no power was given to any one authority to mix the various ingredients and produce the cake.

In the debate in the House on the location of industry, one speaker drew attention to these facts :

" Use of land involves the Ministry of Town and Country Planning, location of industry the Board of Trade, housing the Ministry of Health, school building the Board of Education, transport the Ministry of Transport, electricity the Ministry of Fuel and Power, water supply the Ministry of Health, and several others, agriculture the Ministry of Agriculture and Fisheries, population the Registrar-General and labour supply the Minister of Labour," and a Member then remarked : " and Uncle Tom Cobbleigh and all." Personally he would say : " By all means let us have an Uncle Tom Cobbleigh if he will have some real powers of initiative."

The Government's proposals extended to all land, whether built on or unbuilt on. Although purchase would be necessary in some cases, the Government's proposal was that the control should be operated mainly through the granting of consents or licences to develop.

The Institution, in its Second Memorandum on the Uthwatt Report. stated : " Subject to appropriate procedure, wider powers are necessary to acquire land (*a*) in advance of a scheme of development, (*b*) where development is held up by recalcitrant owners, and (*c*) in order to accelerate the carrying out of a planning scheme." Therefore the Institution agreed so far, but it had previously stated in its First Memorandum on the Uthwatt Report : " A Central Planning Authority is required and it should be national in scope and character, with a high degree of initiative and control."

No Central Planning Authority was proposed, the duties being left to the local authorities, who would, under the provisions of the present Bill very possibly become owners of comparatively large areas of land in their own districts, for which they were the responsible planning authorities. Whether or not that was a wise step was a matter on which the Institution would express its views in due course.

Apparently valuations were to be made of the development value of the white land as at the 31st March, 1939, but the White Paper was silent on the question of whether those valuations were to be agreed with the owners and whether in cases of dispute they were to be referred to arbitration. Moreover, no reference was made to the costs which owners would inevitably incur.

The White Paper also proposed, that during a five-year period following the enactment of the new legislation, an Expert Committee was to be appointed to assemble and review the material on which to base recommendations to the Government for determining the right compensation to be paid. That Expert Committee would have its hands tied from the start, as all values in respect of development rights, development or re-development, had to be ascertained as at the 31st March, 1939.

In regard to that proposed standard of value, the Council of the Institution presented a Memorandum, in January, 1943, to the Minister of Works and Planning, in which it said: "The Institution is opposed to the general imposition of a ceiling, by reference to some pre-war date, for compensation payable in respect of the public acquisition or control of land . . . Whatever justification there may be for a ceiling in respect of compensation for the purchase of reconstruction areas devastated by bombing, there is none, in the view of the Institution, as regards compensation for purchase in other circumstances. The justification in respect of bombed sites was prevention of speculation."

In June, 1943, the Institution presented a Second Memorandum in which it said: "In the view of the Institution there are no sufficient reasons for departing from the hitherto accepted principle of compensation, namely, the making up to the claimant of his loss, measured by the market value of his interest at the date of the acquisition."

Observations had also recently been forwarded by the Council to the Minister of Town and Country Planning and the Minister of Reconstruction as follows: "Clause 45 of the [present] Bill directs that the value of any interest in land purchased pursuant to a notice to treat served at any time within a period of five years from the passing of the Act shall be ascertained by reference to prices current at the 31st March, 1939. The Institution is opposed to this proposal and recommends that, except in the case of bombed sites, the basis of compensation should be the market value of the property at the date of the notice to treat, any appreciation or depreciation in value due to public expenditure on war works since 1939 being excluded in the assessment of such compensation." The Institution then proceeded to state its reasons for that recommendaton (see page 72 of this *Journal*).

Many members of the Institution would no doubt feel disappointment that the proposed betterment charge was not explained in detail. The Council had already stated the following fundamental principles: "In any examination of methods for assessing increase of site value, certain basic principles must, at the outset, be affirmed. The first is that an increase of site value must not only have occurred and have been proved, but must also have been realised, before it can become a proper subject of taxation, levy, or other imposition. Secondly, any taxation of increase of site value must proceed on the principle of excluding all such increased value as has been created by the developer or owner. Thirdly, if Parliament decides that any general charge shall be imposed upon increase of site value there must be no duplication of the charge. The future application of betterment charges to particular properties under the Town and Country Planning Act or some Local Act, or of charges in respect of betterment by way of 'set-off' or otherwise, when land is acquired compulsorily for some public purpose, should cease to have effect. There must be one method, and one only, of assessing increase of site value and of collecting any charge upon it; and there must be one authority only for collecting the charge."

The Government's intention was that there should be one authority for assessing and also collecting the charge. He could only hope that that central body would not be dependent upon a credit on the betterment side of the account.

In conclusion, he would mention that the Parliamentary Committee of the Institution had the White Paper under consideration, and its views would in due course be submitted to Sir William and to the other appropriate quarters.

He had very great pleasure indeed in seconding the vote of thanks.

The vote of thanks was carried with acclamation.

Sir WILLIAM JOWITT briefly responded, and the meeting then terminated.